

## Message Text

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ORIGIN SS-25

INFO OCT-01 ISO-00 SSO-00 /026 R

DRAFTED BY H:AHMOSS:RMS  
APPROVED BY H - DOUGLAS J. BENNET, JR.  
S/AB - AMB POPPER (INFO)  
D - MR. CHRISTOPHER (INFO)  
L - MR. HANSELL (INFO)  
ARA/PAN - MR. WYROUGH (INFO)  
S/S-O:SRPVALERGA  
-----089846 120012Z /23  
P 112255Z APR 78  
FM SECSTATE WASHDC  
TO AMEMBASSY PANAMA PRIORITY

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EXDIS FOR AMBASSADOR FROM BENNET

E.O. 11652: N/A

TAGS: PGOV, PAN

SUBJECT:BROOKE RESERVATION AND UNDERSTANDING

1. AS WE DISCUSSED, FOLLOWING UNDERSTANDING AND RESERVATION HAVE BEEN PROPOSED TO US BY BROOKE TODAY (APR 11):

RESERVATION INTENDED TO BE PROPOSED TO THE RESOLUTION OF RATIFICATION, PANAMA CANAL TREATY:

"BEFORE THE PERIOD AT THE END OF THE RESOLUTION OF RATIFICATION, INSERT A COMMA AND THE FOLLOWING: 'SUBJECT TO THE RESERVATION THAT EXCHANGE OF THE INSTRUMENTS OF RATIFICATION SHALL NOT BE EFFECTIVE EARLIER THAN APRIL 18, 1979,  
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AND THE TREATIES SHALL NOT ENTER INTO FORCE PRIOR TO OCTOBER 18, 1979, UNLESS LEGISLATION NECESSARY TO IMPLEMENT THE PROVISIONS OF THE PANAMA CANAL TREATY SHALL HAVE BEEN ENACTED BY THE CONGRESS OF THE UNITED STATES OF AMERICA BEFORE APRIL 18, 1979."

BROOKE UNDERSTANDING REGARDING PARAGRAPH 5, ARTICLE III OF

THE PANAMA CANAL TREATY:

"BEFORE THE PERIOD AT THE END OF THE RESOLUTION OF RATIFICATION, INSERT A COMMA AND THE FOLLOWING: 'SUBJECT TO THE UNDERSTANDING, WHICH IS TO BE MADE A PART OF THE INSTRUMENT OF RATIFICATION, THAT BEFORE THE FIRST DAY OF THE THREE-YEAR PERIOD BEGINNING ON THE DATE OF ENTRY INTO FORCE OF THIS TREATY AND BEFORE EACH THREE-YEAR PERIOD FOLLOWING THEREAFTER, THE TWO PARTIES SHALL AGREE UPON THE SPECIFIC LEVELS AND QUALITY OF SERVICES, AS ARE REFERRED TO IN ARTICLE III, PARAGRAPH 5 OF THE TREATY, TO BE PROVIDED DURING THE FOLLOWING THREE-YEAR PERIOD AND, EXCEPT FOR THE FIRST THREE-YEAR PERIOD, ON THE REIMBURSEMENT TO BE MADE FOR THE COSTS OF SUCH SERVICES, SUCH SERVICES TO BE LIMITED TO SUCH AS ARE ESSENTIAL TO THE EFFECTIVE FUNCTIONING OF SUCH CANAL OPERATING AREAS AND SUCH HOUSING AREAS REFERRED TO IN PARAGRAPH 5 OF ARTICLE III OF THE TREATY. IF PAYMENTS MADE UNDER PARAGRAPH 5 OF ARTICLE III OF THE TREATY FOR THE PRECEDING THREE-YEAR PERIOD, INCLUDING THE INITIAL THREE-YEAR PERIOD, EXCEED THE ACTUAL COSTS TO THE REPUBLIC OF PANAMA FOR SUPPLYING SUCH SERVICES DURING SUCH PERIOD, THEN THE COMMISSION SHALL DEDUCT ONE-THIRD OF SUCH EXCESS FROM THE PAYMENT REQUIRED TO BE MADE TO THE REPUBLIC OF PANAMA FOR EACH OF THE FOLLOWING THREE YEARS. THERE SHALL BE AN INDEPENDENT AND BINDING AUDIT, CONDUCTED BY AN AUDITOR MUTUALLY SELECTED BY BOTH PARTIES, OF ANY COSTS OF LIMITED OFFICIAL USE

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SERVICES DISPUTED BY THE TWO PARTIES PURSUANT TO THE RE-EXAMINATION OF SUCH COSTS PROVIDED FOR IN THIS UNDERSTANDING."

2. WOULD APPRECIATE EARLY REACTION. VANCE

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NNN

## Message Attributes

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**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** INSTRUCTIONS, TEXT, TREATY RATIFICATION, RESOLUTIONS  
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**Copy:** SINGLE  
**Draft Date:** 11 apr 1978  
**Decaption Date:** 20 Mar 2014  
**Decaption Note:** 25 YEAR REVIEW  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**Document Number:** 1978STATE093108  
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**Document Unique ID:** 00  
**Drafter:** AHMOSS:RMS  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
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**TAGS:** PGOV, PN  
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**Type:** TE  
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**Review Markings:**  
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